

EXHIBIT "A"



VARCADIPANE & PINNISI, PC

ATTORNEYS AT LAW

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Jeffrey W. Varcadipane*

Member

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April 17, 2020

Via First Class Mail &

Certified Mail Return Receipt: (7014 1200 0000 4978 7044)

Travelers
PO Box 430
Buffalo, NY 14240-0430

Re: ***Varcadipane & Pinnisi, PC v. Travelers***
Docket No.: BER-L-002334-20
Our File: 5361

Dear Sir/Madam:

This firm represents the Plaintiff in the above referenced matter. Pursuant to Rule 4:4-4(c), we enclose for service upon you a copy of the Summons and Complaint. Please sign and date the attached Acknowledgment of Service and return to us at your earliest convenience. Should you fail to appear and/or otherwise answer the Complaint within 60 days, we will not hesitate to seek all remedies available under New Jersey Court Rules.

Be guided accordingly,

A handwritten signature in black ink, appearing to be 'JW Varcadipane', with a stylized flourish at the end.

Jeffrey W. Varcadipane, Esq.

JWV/tng

CC:

Lou Korte Jr. | Claim Professional
(Via Facsimile (877) 786-5568 & Email: LKORTE@travelers.com)

Via First Class Mail &

Certified Mail Return Receipt: (7014 1200 0000 4978 7037)

Attention: Debra Mullen, Admin. Assistant
Office of Regulatory Affairs
New Jersey Department of Banking and Insurance
20 West State Street
PO Box 325
Trenton, New Jersey 08625-0325

*Certified by the Supreme Court of New Jersey as a Civil Trial Attorney

Jeffrey W. Varcadipane, Esq.
ATTORNEY NO: 029472005
VARCADIPANE & PINNISI, P.C.
80 West Century Road, Suite 302
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T: (201) 588-1500 | F: (855) 231-6512
Attorneys for Plaintiff, Varcadipane & Pinnisi, P.C.

VARCADIPANE & PINNISI, P.C.

Plaintiff,

vs.

TRAVELERS CASUALTY INSURANCE
COMPANY OF AMERICA

Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

DOCKET NO.: BER-L-002334-20

CIVIL ACTION

ACKNOWLEDGEMENT OF SERVICE

PLEASE TAKE NOTICE:

Service of the Complaint in the above entitled matter is hereby acknowledged this

_____ day of _____, 2020

By:
Travelers
PO Box 430
Buffalo, NY 14240-0430

BERGEN COUNTY COURTHOUSE
SUPERIOR COURT LAW DIV
BERGEN COUNTY JUSTICE CTR RM 415
HACKENSACK NJ 07601-7680

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (201) 221-0700
COURT HOURS 8:30 AM - 4:30 PM

DATE: APRIL 16, 2020
RE: VARCADIPANE & PINNIS I, P.C. VS TRAVELERS CASUAL
DOCKET: BER L -002334 20

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 1.

DISCOVERY IS 150 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON JOHN D. ODWYER

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 002
AT: (201) 527-2600.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

ATT: JEFFREY W. VARCADIPANE
VARCADIPANE & PINNISI PC
80 WEST CENTURY RD
STE 302
PARAMUS NJ 07652

ECOURTS

Jeffrey W. Varcadipane, Esq.
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T: (201) 588-1500 | F: (855) 231-6512
Attorneys for Plaintiff, Varcadipane & Pinnisi, P.C.

VARCADIPANE & PINNISI, P.C.

Plaintiff,

vs.

TRAVELERS CASUALTY INSURANCE
COMPANY OF AMERICA

Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

DOCKET NO.: BER-L-002334-20

CIVIL ACTION

SUMMONS

From The State of New Jersey to the Defendant(s) Named Above:

TRAVELERS CASUALTY INSURANCE COMPANY OF AMERICA

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/pro se/10153_deptyclerklawref.pdf.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$135.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.

S/Michelle M. Smith

Michelle M. Smith, Clerk of the Court

Dated: April 17, 2020

Names and Addresses of Defendants to Be Served:

TRAVELERS CASUALTY INSURANCE OF AMERICA
P.O. Box 430
Buffalo, NY 14240-0430

-and-

Attention: Debra Mullen, Admin. Assistant
Office of Regulatory Affairs
New Jersey Department of Banking and Insurance
20 West State Street
PO Box 325
Trenton, New Jersey 08625-0325

Jeffrey W. Varcadipane, Esq.
ATTORNEY NO: 029472005
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Paramus, New Jersey 07652
T: (201) 588-1500 | F: (855) 231-6512
Attorneys for Plaintiff, Varcadipane & Pinnisi, P.C.

VARCADIPANE & PINNISI, P.C.

Plaintiff,

-against-

TRAVELERS CASUALTY INSURANCE
COMPANY OF AMERICA

Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

DOCKET NO.: BER-L-002334-20

CIVIL ACTION

**COMPLAINT, DESIGNATION OF TRIAL
COUNSEL AND JURY DEMAND**

Plaintiff, VARCADIPANE & PINNISI, P.C. (hereinafter, "V&P"), by and through its undersigned attorneys, by way of complaint against Defendant, TRAVELERS CASUALTY INSURANCE COMPANY OF AMERICA, (hereinafter "TRAVELERS"), alleges as follow upon information and belief:

PARTIES

1. Plaintiff, V&P is a professional corporation, duly form and existing under the laws of the State of New Jersey. V&P has a principal place of business in Bergen County, New Jersey.
2. Defendant, TRAVELERS, is an insurance company which is licensed to and does, in fact, conduct business within the State of New Jersey, and more specifically in the County of Bergen.
3. TRAVELERS is in the business of, amongst other things, issuing commercial general liability insurance policies in, amongst other places, the state of New Jersey.

BACKGROUND

4. TRAVELERS entered into a contract with V&P, whereby it agreed to insure Plaintiff for business interruption losses.

5. Plaintiff purchased the policy from Defendant, covering the period including May, 2019, (the “Policy”).

6. The Policy was entered into in the State of New Jersey, County of Bergen for the purposes of supplying insurance coverage in the State of New Jersey, County of Bergen.

7. On or about May 27, 2019, Plaintiff sustained a covered loss during the policy period, when Plaintiff’s offices sustained catastrophic flooding, causing Plaintiff’s office to be closed and Plaintiff’s staff to be displaced.

8. As a result of the covered loss, Plaintiff sustained business interruption losses.

9. TRAVELERS covered a small fraction of Plaintiff’s losses based upon an interpretation of its own policy that is contradicted by the plain language in the policy.

**AS FOR THE FIRST COUNT
FOR BREACH OF CONTRACT**

10. Plaintiff repeats, reiterates and re-alleges each and every allegation contained above with the same force and effect as though same were more fully set forth at length herein.

11. The Policy constituted a legally binding and enforceable contract between Plaintiff and Defendant.

12. As a result of Defendant’s wrongful and improper refusal to comply with its obligations under the Policy, Plaintiff has suffered extensive direct financial damages, as well as extensive consequential damages.

13. As a result of Defendant's wrongful and improper refusal to comply with its obligations under the Policy, Plaintiff has been forced to incur legal fees and expenses to prosecute the within claim seeking to enforce Plaintiff's rights under the Policy.

14. Defendant's failure to pay the full amount of the claim constitutes a breach of the aforementioned contract.

WHEREFORE, Plaintiff respectfully requests that the Court grant the following relief:

- (a) Compensatory damages;
- (b) Consequential damages;
- (c) Costs;
- (d) Attorneys' fees for the institution and prosecution of the within action;
- (e) Such other and further relief as to this Court appears just and proper.

CERTIFICATION PURSUANT TO RULE 4:5-1

I hereby certify that the matter in controversy is not the subject of any other action pending in any court or of a pending arbitration proceeding, and no other action or arbitration proceeding is contemplated. Further, I am unaware of any names of any non-parties who should otherwise be joined in this action pursuant to R. 4:28 or who is subject to joinder pursuant to R. 4:29-1(b) because of potential liability to any part on the basis of the same facts.

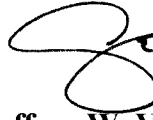
DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Jeffrey W. Varcadipane, Esq., is hereby designated as trial counsel in the within matter.

DEMAND FOR JURY TRIAL

Pursuant to Rule 4:35-1, Plaintiff demand a trial by jury on all issues.

VARCADIPANE & PINNISI, P.C.



By: Jeffrey W. Varcadipane, Esq.
Attorneys for Plaintiff

Dated: April 16, 2020

DEFENDANT'S ADDRESS FOR SERVICE:

TRAVELERS CASUALTY INSURANCE OF AMERICA
P.O. Box 430
Buffalo, NY 14240-0430

-and-

Attention: Debra Mullen, Admin. Assistant
Office of Regulatory Affairs
New Jersey Department of Banking and Insurance
20 West State Street
PO Box 325
Trenton, New Jersey 08625-0325

Civil Case Information Statement

Case Details: BERGEN | Civil Part Docket# L-002334-20

Case Caption: VARCADIPANE & PINNISI I, P.C. VS
TRAVELERS CASUAL

Case Initiation Date: 04/16/2020

Attorney Name: JEFFREY WILLIAM VARCADIPANE

Firm Name: VARCADIPANE & PINNISI PC

Address: 80 WEST CENTURY RD STE 302

PARAMUS NJ 07652

Phone: 2015881500

Name of Party: PLAINTIFF : Varcadipane & Pinnisi, P.C.

Name of Defendant's Primary Insurance Company

(if known): None

Case Type: OTHER INSURANCE CLAIM (INCLUDING
DECLARATORY JUDGMENT ACTIONS)

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

**Do you anticipate adding any parties (arising out of same
transaction or occurrence)?** NO

Are sexual abuse claims alleged? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

**Use this space to alert the court to any special case characteristics that may warrant individual
management or accelerated disposition:**

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO **Title 59?** NO **Consumer Fraud?** NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

04/16/2020

Dated

/s/ JEFFREY WILLIAM VARCADIPANE

Signed